

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).No. 20391 of 2014 (Y)

PETITIONER :

**THILAKAN
S/O.GOVINDAN, VALIYAPARAMBIL HOUSE,
POTTORE VILLAGE, THRISSUR TALUK.**

BY ADV. SRI.V.BINOY RAM

RESPONDENTS :

**1. REVENUE DIVISIONAL OFFICER,
MAINTENANCE TRIBUNAL UNDER THE MAINTENANCE &
WELFARE OF PARENTS & SENIOR CITIZENS ACT
THRISSUR PIN - 680 003.**

**2. THE DISTRICT COLLECTOR
APPELLATE TRIBUNAL UNDER THE MAINTENANCE &
WELFARE OF PARENTS & SENIOR CITIZENS ACT
THRISSUR PIN-680 003.**

**3. GOVINDAN
S/O.VELAPPAN, C/O.AYYAPPAKUTTY,
KORATTYKKADAN HOUSE, MATTATHUR P.O, PIN-680 684.**

**4. VILASINI
W/O.GOVINDAN, C/O.AYYAPPAKUTTY,
KORATTYKKADAN HOUSE MATTATHUR P.O, PIN-680 684.**

**R1 & R2 BY GOVERNMENT PLEADER SRI. MANOJ P. KUNJACHAN
R3 & R4 BY ADV. SRI.K.JAGADEESH
BY ADV. SMT.V.RENJU**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - TRUE COPY OF THE ORDER DATED 23-7-2013 IN C2-6769/2013 OF THE
1ST RESPONDENT.
- EXT.P2 - TRUE COPY OF THE ORDER NO.C4-21329/2014 DATED 3-5-2014 OF THE
2ND RESPONDENT.
- EXT.P3 - TRUE COPY OF THE NOTICE FROM TALUK OFFICE, THRISSUR
DATED 28-1-2014
- EXT.P4 - TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE
THE DISTRICT COLLECTOR, THRISSUR DATED 17-2-2014.
- EXT.P5 - TRUE COPY OF THE RECEIPT TO EXHIBIT P4.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

K. VINOD CHANDRAN, J.

W.P(C). No.20391 of 2014

Dated this the 30th day of July, 2015.

JUDGMENT

The petitioner, the son of respondents 3 and 4, is aggrieved by Ext.P1 order. Ext.P1 is passed by the Tribunal constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 [for brevity, the Act of 2007]. The respondents 3 and 4 claimed maintenance from only the petitioner herein and admittedly they have one other son and daughter.

2. Even going by Ext.P1 order, the 3rd respondent is residing with the daughter and the 4th respondent is residing with the son. It is not clear as to why they claim maintenance, when admittedly two other children are admittedly looking after them. In any event, though a summary procedure is prescribed under the Act of 2007, Ext.P1 does not reveal any application of mind. The Tribunal merely relied on the petition and the facts said to

have been revealed during hearing to direct payment of compensation of an amount of Rs.3,000/- to both the respondents 3 and 4.

3. The learned counsel appearing for respondents 3 and 4 would submit that, though they are living with their other children, they are only being provided with food. In such circumstances, it is not clear as to why the respondents do not take proceedings against all the children and why it is confined to the petitioner alone.

4. The petitioner however would contend that, both the parents were living with him and now they have been taken away by his siblings and the aforesaid petition under the Act of 2007 is an instigation of the said children. These are all matters, which have to be considered by the Tribunal.

In such circumstances, Ext.P1 is set aside for reason of it not disclosing any valid reason for ordering maintenance. The Tribunal shall conduct necessary enquiry through a competent Officer like the Village Officer, as to the circumstances in which

the petitioner and his siblings live as also that of their parents and pass an order at any rate within three months from the date of receipt of a certified copy of this judgment.

The writ petition is allowed.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

sp